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May 4, 2005

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ms. Tricia Knight
Initiative Coordinator
Office of the Attorney General
State of California
PO BOX 994255
Sacramento, CA 94244-25550

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Knight:

Pursuant to Article II, Section 10(d) of the California Constitution, I am submitting the attached proposed statewide ballot measure to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the me as the proponent of this measure pursuant to section 9608 of the California Elections Code. I have also included a check to cover the \$200 filing fee.

Thank you for your time and attention to this matter. If you require additional information or have any questions, please feel free to contact Dave Gilliard, 921 11th Street, Suite 400, Sacramento, CA 95814, (916)-444-1502.

Very ~~truly~~ yours, /

Roy Haynes

THE CALIFORNIA BORDER POLICE ACT

SECTION 1 Title

This measure shall be known and may be cited as the "California Border Police Act."

SECTION 2 Findings and Declarations

- (a) The federal government has not succeeded in stopping the flow of illegal immigration into the United States.
- (b) California is home to almost 3 million illegal immigrants, with thousands more crossing the border every month.
- (c) The people have a right to expect that our immigration laws will be enforced.
- (d) Illegal immigration harms both citizens and non-citizen legal immigrants and costs California taxpayers nearly \$9 billion every year.
- (e) Over crowded schools and hospital emergency rooms are two of the byproducts of the failure of the federal government to enforce immigration laws.
- (f) California's prisons house approximately 48,000 illegal immigrants who have committed crimes in the state, at a cost of almost \$1.4 billion annually.

SECTION 3 Article XXXVI of the California Constitution is added, to read:

Sec. 1 (a) The people of the State of California find and declare that illegal immigration poses a grave and imminent danger to the security of the State and its residents.

(b) Therefore, the people of the State of California declare that the influx of illegal immigrants into the state in violation of United States immigration laws constitutes a state of emergency in the State.

(c) The Secretary of State shall, at the first statewide general election falling at least 10 years after the election at which this article was adopted, and at the statewide general election every fourth year thereafter, place upon the ballot a measure to determine whether the state of emergency declared pursuant to this section shall continue in effect. If a majority of the votes voting on the issue at that election vote to maintain the state of emergency, the declaration of emergency shall continue in effect for another four years. If a majority of voters voting on the issue at that election do not vote to maintain the state of emergency, the declaration of emergency shall become inoperative, and this article shall be repealed, on the day after the date of the certification of the election.

SEC. 2. (a) The Division of Homeland Security Assistance, Homeland Security Program, also to be known as the California Border Police, is hereby established in the Office of Emergency Services or its successor, under the direction of the Director of the Office of Emergency Services or his or her successor, or his or her designee.

(b) The California Border Police shall assist the federal government in enforcing the laws of the United States pertaining to immigration within the borders of the State.

(c) In assisting the federal government pursuant to subdivision (b), the California Border Police may arrest any individual in violation of applicable federal immigration laws, and hold any individual who has entered this State in violation of those laws until the federal government takes possession of the individual.

(d) The California Border Police may hire, train, and deploy sufficient personnel to perform its duties, and shall establish a program for the training and deployment of volunteers for the same purpose. Volunteers under the program shall be entitled to all rights, immunities, and protections of disaster service volunteers under applicable state law.

(e) The California Border Police may utilize any state or local facility, and construct and operate any other facilities, including jails, prisons, or other correctional facilities, that the Director of the Office of Emergency Services or his or her successor, or his or her designee, determines are necessary to accomplish the purposes of this section.

(f) All authority granted to the Office of Emergency Services, or its successor, and to the Director of the Office of Emergency Services, or his or her successor, under state law with respect to the use of state or local resources, or the provisions of services during a state of emergency or otherwise, shall extend to the use of state or local resources for the provision of services under this section.

(g) The Office of Emergency Services, or its successor, shall use existing preparedness or response plans, or devise appropriate plans and procedures, in the most expedient manner necessary to accomplish the purposes of this section. The Director of the Office of Emergency Services, or his or her successor, or his or her designee, shall coordinate the parties to the California Disaster and Civil Defense Master Mutual Aide Agreement, or any successor agreement, and utilize all other resources available through mutual aid agreements, as appropriate to accomplish the purposes of this section.

(h) The authority of the California Border Police and the Office of Emergency Services, or its successor, in implementing these provisions shall be construed as liberally as possible to effectuate the purposes of this section. It is the intent of the people of the State that sufficient resources be devoted to the accomplishment of the purposes of this section.

SECTION 4 If any provision of this Act, or part thereof, or the application of this Act to any person or circumstance is held invalid or unconstitutional, that invalidity shall not affect other provisions or applications of this measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.